IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2202 OF 2007

Kishan Atmaram Maheshwari & Ors. ..Petitioners.

V/s.

State of Maharashtra & Ors. ..Respondents.

Mr.Rakesh Agarwal i/b. M.P.Vashi & Associates for Petitioners.

Mr.R.M.Joshi for Respondent Nos.6 and 7.

Mr.Pradeep Jadhav, AGP for Respondent Nos. 4 and 8.

Mr.A.A.Joshi a/w. Nivit Srivastawa for respondent NO.5.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 5, 2007.

P.C. :

1. I am in agreement with the preliminary objection taken on behalf of the Respondents that the order, which is impugned in this Petition dated 30th November, 2006, passed in Appeal No.APPL AL/DESK/LND/411/05, under Section 247 of the Maharashtra Land Revenue Code, 1996, by the Additional Commissioner, Konkan Division, Mumbai, is amenable to appeal before the State Government under section 248 of the Code. The Petitioners, if so desire, may take recourse to that remedy.

2. If Petitioners file such appeal within two weeks from today, the Appellate Authority may proceed to consider the matter on merits. The Respondents shall not object to the maintainability of the said petition on the ground of limitation, as is agreed by the Counsel for the Respondents, if filed in two weeks as aforesaid.

3. All other questions on merits will be considered in accordance with the law.

4. Petition is disposed off on the above terms.

(A.M.KHANWILKAR,J)